

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
445 12th St., S.W.
Washington, D.C. 20554

March 4, 2015

Copies sent by E-mail

James Chelmowski,)	
Complainant,)	
)	
v.)	Proceeding No. 14-260
)	File No. EB-14-MD-016
)	
AT&T Mobility LLC,)	
Defendant.)	

James Chelmowski
6650 N Northwest Hwy #300
Chicago, IL 60631
jchelmowski@comcast.net
Complainant

Michael P. Goggin
AT&T Corp.
1120 20th Street, N.W.
Suite 1000
Washington, DC 20036
mg7268@att.com
Counsel for Defendant

Dear Counsel:

On March 3, 2015, Mr. Chelmowski (Complainant) filed a document entitled, "Motion to Compel FCC Rules Including but Not Limited to 47 CFR § 1.724 Answers and 47 CFR § 1.17 – Truthful and Accurate Statements to the Commission."¹

The Second Motion to Compel seeks largely the same information from AT&T that was the subject of an earlier denied motion to compel filed by Mr. Chelmowski.² We deny the

¹ Motion to Compel FCC Rules Including but Not Limited to 47 CFR § 1.724 Answers and 47 CFR § 1.17 – Truthful and Accurate Statements to the Commission, FCC Docket No. 14-260, File No. EB-14-MD-016 (filed Mar. 3, 2015) (Second Motion to Compel).

² Motion to Compel First Interrogatories, FCC Docket No. 14-260, File No. EB-14-MD-016 (filed Feb. 3, 2015) (First Motion to Compel). *See* First Motion to Compel at 2, para. 3 (arguing that AT&T failed to provide a "proof of delivery" that it served Complainant with an informal complaint response); Second Motion to Compel at 4, para. 7 (arguing that AT&T must provide a "proof of delivery" that it served Complainant with an informal complaint response).

Second Motion to Compel for the same reasons we denied the First Motion to Compel.³ In particular, we note that Commission Staff has not yet ruled on requests for discovery in this proceeding under Commission rule 1.729(d). 47 C.F.R. § 1.729(d). Therefore, because no party is obligated at this point to respond to discovery requests, the Second Motion to Compel is premature and is denied to the extent it seeks to compel AT&T to respond to interrogatories. After Commission Staff has reviewed the parties' filings, including all discovery requests and objections, Staff will determine the next stage of the proceeding.

This letter ruling is issued pursuant to sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, sections 1.3 and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa J. Saks", is positioned above the typed name.

Lisa J. Saks
Deputy Chief
Market Disputes Resolution Division
Enforcement Bureau

cc: Michael Engel

³ Letter Order, FCC Docket No. 14-260, File No. EB-14-MD-016 (dated Feb. 6, 2015)